

(ii) The first horizon year may be no more than 10 years from the base year used to validate the transportation demand planning model.

(iii) If the attainment year is in the time span of the transportation plan, the attainment year must be a horizon year.

(iv) The last horizon year must be the last year of the transportation plan's forecast period.

(2) For these horizon years:

(i) The transportation plan shall quantify and document the demographic and employment factors influencing expected transportation demand, including land use forecasts, in accordance with implementation plan provisions and § 51.402;

(ii) The highway and transit system shall be described in terms of the regionally significant additions or modifications to the existing transportation network which the transportation plan envisions to be operational in the horizon years. Additions and modifications to the highway network shall be sufficiently identified to indicate intersections with existing regionally significant facilities, and to determine their effect on route options between transportation analysis zones. Each added or modified highway segment shall also be sufficiently identified in terms of its design concept and design scope to allow modeling of travel times under various traffic volumes, consistent with the modeling methods for area-wide transportation analysis in use by the MPO. Transit facilities, equipment, and services envisioned for the future shall be identified in terms of design concept, design scope, and operating policies sufficiently to allow modeling of their transit ridership. The description of additions and modifications to the transportation network shall also be sufficiently specific to show that there is a reasonable relationship between expected land use and the envisioned transportation system; and

(iii) Other future transportation policies, requirements, services, and activities, including intermodal activities, shall be described.

(b) *Moderate areas reclassified to serious.* Ozone or CO nonattainment areas which are reclassified from moderate to serious must meet the requirements

of paragraph (a) of this section within two years from the date of reclassification.

(c) *Transportation plans for other areas.* Transportation plans for other areas must meet the requirements of paragraph (a) of this section at least to the extent it has been the previous practice of the MPO to prepare plans which meet those requirements. Otherwise, transportation plans must describe the transportation system envisioned for the future specifically enough to allow determination of conformity according to the criteria and procedures of §§ 51.410 through 51.446.

(d) *Savings.* The requirements of this section supplement other requirements of applicable law or regulation governing the format or content of transportation plans.

§ 51.406 Relationship of transportation plan and TIP conformity with the NEPA process.

The degree of specificity required in the transportation plan and the specific travel network assumed for air quality modeling do not preclude the consideration of alternatives in the NEPA process or other project development studies. Should the NEPA process result in a project with design concept and scope significantly different from that in the transportation plan or TIP, the project must meet the criteria in §§ 51.410 through 51.446 for projects not from a TIP before NEPA process completion.

§ 51.408 Fiscal constraints for transportation plans and TIPs.

Transportation plans and TIPs must be fiscally constrained consistent with DOT's metropolitan planning regulations at 23 CFR part 450 in order to be found in conformity.

§ 51.410 Criteria and procedures for determining conformity of transportation plans, programs, and projects: General.

(a) In order to be found to conform, each transportation plan, program, and FHWA/FTA project must satisfy the applicable criteria and procedures in §§ 51.412 through 51.446 as listed in table 1 in paragraph (b) of this section, and

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must comply with all applicable conformity requirements of implementation plans and of court orders for the area which pertain specifically to conformity determination requirements. The criteria for making conformity determinations differ based on the action under review (transportation plans, TIPs, and FHWA/FTA projects), the time period in which the conformity determination is made, and the relevant pollutant.

(b) The following table indicates the criteria and procedures in §§51.412 through 51.446 which apply for each action in each time period.

TABLE 1—CONFORMITY CRITERIA

Action	Criteria
All Periods	
Transportation Plan	§§ 51.412, 51.414, 51.416, 51.418(b).
TIP	§§ 51.412, 51.414, 51.416, 51.418(c).
Project (From a conforming plan and TIP).	§§ 51.412, 51.414, 51.416, 51.420, 51.422, 51.424, 51.426.
Project (Not from a conforming plan and TIP).	§§ 51.412, 51.414, 51.416, 51.418(d), 51.420, 51.424, 51.426.
Phase II of the Interim Period	
Transportation Plan	§§ 51.436, 51.442.
TIP	§§ 51.438, 51.444.
Project (From a conforming plan and TIP).	§ 51.434.
Project (Not from a conforming plan and TIP).	§ 51.434, 51.440, 51.446.
Transitional Period	
Transportation Plan	§§ 51.428, 51.436, 51.442.
TIP	§ 51.430, 51.438, 51.444.
Project (From a conforming plan and TIP).	§ 51.434.
Project (Not from a conforming plan and TIP).	§§ 51.432, 51.434, 51.440, 51.446.
Control Strategy and Maintenance Periods	
Transportation Plan	§ 51.428.
TIP	§ 51.430.
Project (From a conforming plan and TIP).	No additional criteria.
Project (Not from a conforming plan and TIP).	§ 51.432.

51.412 The conformity determination must be based on the latest planning assumptions.

51.414 The conformity determination must be based on the latest emission estimation model available.

51.416 The MPO must make the conformity determination according to the consultation procedures of this rule and the implementation plan revision required by §51.396.

51.418 The transportation plan, TIP, or FHWA/FTA project which is not from a conforming plan and TIP must provide for the timely implementation of TCMs from the applicable implementation plan.

51.420 There must be a currently conforming transportation plan and currently conforming TIP at the time of project approval.

51.422 The project must come from a conforming transportation plan and program.

51.424 The FHWA/FTA project must not cause or contribute to any new localized CO or PM₁₀ violations or increase the frequency or severity of any existing CO or PM₁₀ violations in CO and PM₁₀ nonattainment and maintenance areas.

51.426 The FHWA/FTA project must comply with PM₁₀ control measures in the applicable implementation plan.

51.428 The transportation plan must be consistent with the motor vehicle emissions budget(s) in the applicable implementation plan or implementation plan submission.

51.430 The TIP must be consistent with the motor vehicle emissions budget(s) in the applicable implementation plan or implementation plan submission.

51.432 The project which is not from a conforming transportation plan and conforming TIP must be consistent with the motor vehicle emissions budget(s) in the applicable implementation plan or implementation plan submission.

51.434 The FHWA/FTA project must eliminate or reduce the severity and number of localized CO violations in the area substantially affected by the project (in CO nonattainment areas).

51.436 The transportation plan must contribute to emissions reductions in ozone and CO nonattainment areas.

51.438 The TIP must contribute to emissions reductions in ozone and CO nonattainment areas.

51.440 The project which is not from a conforming transportation plan and TIP must contribute to emissions reductions in ozone and CO nonattainment areas.

51.442 The transportation plan must contribute to emission reductions or must not increase emissions in PM₁₀ and NO₂ nonattainment areas.

51.444 The TIP must contribute to emission reductions or must not increase emissions in PM₁₀ and NO₂ nonattainment areas.

51.446 The project which is not from a conforming transportation plan and TIP must contribute to emission reductions or must not increase emissions in PM₁₀ and NO₂ nonattainment areas.

§ 51.412 Criteria and procedures: Latest planning assumptions.

(a) The conformity determination, with respect to all other applicable criteria in §§ 51.414 through 51.446, must be based upon the most recent planning assumptions in force at the time of the conformity determination. This criterion applies during all periods. The conformity determination must satisfy the requirements of paragraphs (b) through (f) of this section.

(b) Assumptions must be derived from the estimates of current and future population, employment, travel, and congestion most recently developed by the MPO or other agency authorized to make such estimates and approved by the MPO. The conformity determination must also be based on the latest assumptions about current and future background concentrations.

(c) The conformity determination for each transportation plan and TIP must discuss how transit operating policies (including fares and service levels) and assumed transit ridership have changed since the previous conformity determination.

(d) The conformity determination must include reasonable assumptions about transit service and increases in transit fares and road and bridge tolls over time.

(e) The conformity determination must use the latest existing information regarding the effectiveness of the TCMs which have already been implemented.

(f) Key assumptions shall be specified and included in the draft documents and supporting materials used for the interagency and public consultation required by § 51.402.

§ 51.414 Criteria and procedures: Latest emissions model.

(a) The conformity determination must be based on the latest emission estimation model available. This criterion applies during all periods. It is satisfied if the most current version of the motor vehicle emissions model specified by EPA for use in the prepa-

ration or revision of implementation plans in that State or area is used for the conformity analysis. Where EMFAC is the motor vehicle emissions model used in preparing or revising the applicable implementation plan, new versions must be approved by EPA before they are used in the conformity analysis.

(b) EPA will consult with DOT to establish a grace period following the specification of any new model.

(1) The grace period will be no less than three months and no more than 24 months after notice of availability is published in the FEDERAL REGISTER.

(2) The length of the grace period will depend on the degree of change in the model and the scope of re-planning likely to be necessary by MPOs in order to assure conformity. If the grace period will be longer than three months, EPA will announce the appropriate grace period in the FEDERAL REGISTER.

(c) Conformity analyses for which the emissions analysis was begun during the grace period or before the FEDERAL REGISTER notice of availability of the latest emission model may continue to use the previous version of the model for transportation plans and TIPs. The previous model may also be used for projects if the analysis was begun during the grace period or before the FEDERAL REGISTER notice of availability, provided no more than three years have passed since the draft environmental document was issued.

§ 51.416 Criteria and procedures: Consultation.

The MPO must make the conformity determination according to the consultation procedures in this rule and in the implementation plan revision required by § 51.396, and according to the public involvement procedures established by the MPO in compliance with 23 CFR part 450. This criterion applies during all periods. Until the implementation plan revision required by § 51.396 is approved by EPA, the conformity determination must be made according to the procedures in §§ 51.402(a)(2) and 51.402(e). Once the implementation plan revision has been approved by EPA,